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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,727	09/25/2003	Yasushi Mochizuki	CFA00030US	9429

34904 7590 08/04/2009  
CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION  
15975 ALTON PARKWAY  
IRVINE, CA 92618-3731

EXAMINER
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AMINI, JAVID A

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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08/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/672,727		MOCHIZUKI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	JAVID A. AMINI		2628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/22/2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-45, 47-54 and 56-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-45, 47-54 and 56-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/22/2009 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37-45, 47-54, 56-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al., 6,016,362 ("Kato"), Fujita et al. 6321024 B1, hereinafter Fujita, and further in view of Cazier et al. US 7317479 B2, hereinafter Cazier.

37. An image processing apparatus comprising:

(Kato, e.g. the "maker" of the image sequence specifies how each image in the sequence is to be cut, so that selecting continuous images is obvious, see column 3, lines 2-3, 8-9, 14-16, 23-27, 34-36, 39-42, 46-48, 51-53, 56-58, 65-67; column 4, lines 6-7, 11-12; and explicitly, a "sequence is made ... with a telecine apparatus" in column 4, lines 49-55, so that continuous images must obviously be designated, since they could not otherwise be cut; and "the resulting

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sequence of images ... is regarded as one with director's approval" in column 4, lines 64-65, so it is clear continuous images are designated);

a trimming area determination unit adapted to determine trimming areas of a first image and a second image from continuous plurality images having a specific order;(Kato, column 6, lines 43-53, a rectangular 4:3 area with Xe center, Film\_e\_width, and Film-height is "designated");

a trimming area calculation unit adapted to calculate a trimming area based on position and/or sizes of the trimming areas of the first image and the second image determined by the trimming area determination unit, with respect to each image of which order is between the first image and the second image among the continuous plural images, (Kato, the paragraph bridging cols. 7-8), Kato does not explicitly specify wherein positions and/or sizes of the trimming area of each image of which order is between the first image and the second image are different from the position and/or sizes of the trimming areas of the first image and the second image determined by the trimming area determination unit, the trimming area of each image of which order is between the first image and the second image being a part of an entire area in which each image is recorded; and

Fujita is silenced specifying wherein positions and/or sizes of the trimming area of each image of which order is between the first image and the second image is different from position and/or sizes of the trimming areas of the first image and the second image determined by the trimming area determination unit, the trimming area of each image of which order is between the first image and the second image being a part of an entire area in which each image is recorded,

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However, Cazier teaches wherein positions and/or sizes of the trimming area of each image of which order is between the first image and the second image is different from position and/or sizes of the trimming areas of the first image and the second image determined by the trimming area determination unit, the trimming area of each image of which order is between the first image and the second image being a part of an entire area in which each image is recorded, e.g., see col. 2 lines 24-30, that Cazier discloses a technique in which, in response to a photographing instruction, a plurality of images are obtained with optical elements of the zoom lens 41 at different physical position, to obtain images with different zoom levels.

Since Fujita teaches in col. 2 lines 29-30 that the video cut can form the list of the still images and all stored in 208 (see figure 1) then it would have been obvious to one of ordinary skill in the art to recognize the following step of claimed invention is well known in the art “a generating unit adapted to generate continuous images by using images cut out with the trimming area determined by the trimming area determination unit and images cut out with the trimming area calculated by the trimming area calculation unit”.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Cazier into Fujita and Kato, in order to achieve what the claimed invention recited.

61. An image processing apparatus according to claim 37, is provided by Kato by a proportional change ratio of 4:3 in column 6, lines 43-67.

For claims 38-45, 47-54, 56-66, see the rejection of claim 37. A start and end frame are clearly obvious in the sequence of Kato.

**Cited prior art** that illustrates a Kineograph that is considered a well known in the art

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The cited publication 2003/0214128 hereinafter Roberts discloses in paragraph 0003 a kineograph can consist of images that produces animation see fig. 1.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAVID A. AMINI whose telephone number is (571)272-7654. The examiner can normally be reached on 7-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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